INITED	CT/	\ TEC	DISTRICT	COLIDT
UNITED	$\mathbf{O}$	1110	DISTRICT	COUNT

## EASTERN DISTRICT OF TEXAS

WILLIE FRANKLIN,	§	
Plaintiff,	8 8 8	
versus	8 8 8	CIVIL ACTION NO. 1:12-CV-213
RICHARD ALFORD, et al.,	8 8	
Defendants.	8 §	

## MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Willie Franklin, an inmate confined within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 against Richard Alford, A. Tompkins, V. Hartwick, S. Bush and D. Dennis.

The court previously referred this matter to the Honorable Keith F. GIblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The magistrate judge recommends this lawsuit be dismissed for failure to state a claim upon which relief may be granted.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED.R.CIV.P. 72(b). After careful consideration, the court concludes the objections are without merit.

## ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is

ADOPTED. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 20th day of July, 2012.

Marcia A. Crone MARCIA A. CRONE UNITED STATES DISTRICT JUDGE